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OFFICE OF PETITIONS

In re Application of
Bullock, et al.
Application No. 09/735,002
Filed: December 12, 2000
Attorney Docket No. PD-Y00-044
For: PRACTICE PUTTER AND HEAD

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.181 to withdraw the holding of abandonment, filed July 18, 2005.

The petition under 37 CFR 1.181 to withdraw the holding of abandonment is **GRANTED**.

The Office contended that this application became abandoned on February 25, 2005, for failure to properly reply to the November 24, 2004 final Office action which set a three month extendable period for reply. A Notice of Abandonment was mailed on July 12, 2005.

Petitioners argue that a notice of appeal was timely filed on January 19, 2005 and request withdrawal of the holding of abandonment.

A review of the application file reveals that the January 19, 2005 notice of appeal is present. A prior notice of appeal and appeal brief was filed in this application. Prosecution was reopened by the examiner prior to a decision on the merits by the Board of Patent Appeals and Interferences. The fees paid for the prior notice of appeal and appeal brief were applied towards the later appeal and appeal brief on the same application. MPEP 1208.02 Therefore, a proper reply was timely filed.

Accordingly, the holding of abandonment is **withdrawn**.

After the mailing of this decision, the application will be returned to Technology Center 3711.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3230.



E. Shirene Willis
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